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Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

REQUEST TO USE CRF FROM PRIOR
APPLICATION AND STATEMENT
Examining Group 1637
Patent Application
Docket No. CGS-101TD1
Serial No. 10/820,423

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1637
Applicant : Andrew S. Goldsborough
Serial No. : 10/820,423
Filed : April 8, 2004
Conf. No. : 9760
For : Isolation of Nucleic Acid

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO USE COMPUTER READABLE FORMAT FROM
PRIOR APPLICATION AND STATEMENT UNDER 37 CFR §1.821

Sir:

A Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures was received from the Patent Office, and a copy of that Notice is attached herewith. The Notice indicates that the "application is objected to because it contains a data file on compact disc, which is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs (see 37 CFR 1.52(e))."

It is respectfully requested that the computer readable format of patent application Serial No. 10/031,636 entitled "Isolation of Nucleic Acid," filed April 29, 2002 by the applicant, Andrew S. Goldsborough, also be used as the computer readable format for the subject application. I hereby certify that the sequence listing in the subject application and the sequence listing in application Serial No. 10/031,636 contain identical sequence information and that the paper and computer readable copies contain the same information. Applicant respectfully asserts that the sequence listing on paper was submitted when the application was filed. Because Applicant is requesting that the computer readable format for the subject application be used from the parent application, the CD-ROMs submitted when the subject application was filed should not become part of the permanent Patent Office records. Accordingly, the specification has not been amended to contain an incorporation-by-reference of the material on the CD-ROMs.

Respectfully submitted,



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FCE/sl

Attachment: copy of Notice to Comply with Requirements and/or Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

JW



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/820,423	04/08/2004	Adrew Simon Goldsborough	US2Goldsborough.CON

John Lucas
 Transform Pharmaceuticals
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 Lexington, MA 02421

CONFIRMATION NO. 9760

FORMALITIES LETTER



OC000000013536422

Date Mailed: 08/13/2004



NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid processing delays.

- *This application is objected to because it contains a data file on compact disc, which is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs*

(see 37 CFR 1.52(e)). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.

Replies should be mailed to: Mail Stop Missing Parts
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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE